

109TH CONGRESS
1ST SESSION

S. 573

To improve the response of the Federal Government to agroterrorism and agricultural diseases.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. AKAKA (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To improve the response of the Federal Government to agroterrorism and agricultural diseases.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Security
5 Assistance Act of 2005”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGRICULTURAL DISEASE.—The term “agri-
9 cultural disease” means an outbreak of a plant or
10 animal disease, or a pest infestation, that requires

1 prompt action in order to prevent injury or damage
2 to people, plants, livestock, property, the economy,
3 or the environment.

4 (2) AGRICULTURAL DISEASE EMERGENCY.—

5 The term “agricultural disease emergency” means
6 an agricultural disease that the Secretary determines
7 to be an emergency under—

8 (A) section 415 of the Plant Protection
9 Act (7 U.S.C. 7715); or

10 (B) section 10407(b) of the Animal Health
11 Protection Act (7 U.S.C. 8306(b)).

12 (3) AGRICULTURE.—The term “agriculture” in-
13 cludes—

14 (A) the science and practice of activities
15 relating to food, feed, and fiber production,
16 processing, marketing, distribution, use, and
17 trade;

18 (B) family and consumer science, nutri-
19 tion, food science and engineering, agricultural
20 economics, and other social sciences; and

21 (C) forestry, wildlife science, fishery
22 science, aquaculture, floraculture, veterinary
23 medicine, and other environmental and natural
24 resource sciences.

1 (4) AGROTERRORISM.—The term
2 “agroterrorism” means the commission of an
3 agroterrorist act.

4 (5) AGROTERRORIST ACT.—The term
5 “agroterrorist act” means a criminal act consisting
6 of causing or attempting to cause damage or harm
7 to, or destruction or contamination of, a crop, live-
8 stock, farm or ranch equipment, material or prop-
9 erty associated with agriculture, or a person engaged
10 in agricultural activity, that is committed with the
11 intent—

12 (A) to intimidate or coerce a civilian popu-
13 lation; or

14 (B) to influence the policy of a government
15 by intimidation or coercion.

16 (6) BIOSECURITY.—

17 (A) IN GENERAL.—The term “biosecurity”
18 means protection from the risks posed by bio-
19 logical, chemical, or radiological agents to—

20 (i) plant or animal health;

21 (ii) the agricultural economy;

22 (iii) the environment; or

23 (iv) human health.

24 (B) INCLUSIONS.—The term “biosecurity”
25 includes the exclusion, eradication, and control

1 of biological agents that cause plant or animal
2 diseases.

3 (7) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 450b).

7 (8) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 (9) TRIBAL GOVERNMENT.—The term “tribal
10 government” means the governing body of an Indian
11 tribe.

12 **SEC. 3. STATE AND LOCAL ASSISTANCE.**

13 (a) STUDY.—

14 (1) IN GENERAL.—In consultation with the
15 steering committee of the National Animal Health
16 Emergency Management System and other stake-
17 holders, the Secretary shall conduct a study to—

18 (A) determine the best use of epidemiolo-
19 gists, computer modelers, and statisticians as
20 members of emergency response task forces
21 that handle foreign or emerging agricultural
22 disease emergencies; and

23 (B) identify the types of data that are nec-
24 essary for proper modeling and analysis of agri-
25 cultural disease emergencies.

1 (2) REPORT.—Not later than 180 days after
2 the date of enactment of this Act, the Secretary
3 shall submit a report that describes the results of
4 the study under paragraph (1) to—

5 (A) the Secretary of Homeland Security;
6 and

7 (B) the head of any other agency involved
8 in response planning for agricultural disease
9 emergencies.

10 (b) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

11 (1) IN GENERAL.—The Secretary, in consulta-
12 tion with the Secretary of Homeland Security and
13 the Secretary of the Interior, shall establish a pro-
14 gram under which the Secretary shall provide grants
15 to States to develop capabilities to use a geographic
16 information system or statistical model for an epide-
17 miological assessment in the event of an agricultural
18 disease emergency.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated to carry out
21 this subsection—

22 (A) \$2,500,000 for fiscal year 2006; and

23 (B) such sums as are necessary for each
24 subsequent fiscal year.

25 (c) BIOSECURITY AWARENESS AND PROGRAMS.—

1 (1) IN GENERAL.—The Secretary shall imple-
2 ment a public awareness campaign for farmers,
3 ranchers, and other agricultural producers that em-
4 phasizes—

5 (A) the need for heightened biosecurity on
6 farms; and

7 (B) reporting to the Department of Agri-
8 culture any agricultural disease anomaly.

9 (2) ON-FARM BIOSECURITY.—

10 (A) IN GENERAL.—Not later than 240
11 days after the date of enactment of this Act,
12 the Secretary, in consultation with associations
13 of agricultural producers and taking into con-
14 sideration research conducted under the Na-
15 tional Agricultural Research, Extension, and
16 Teaching Policy Act of 1977 (7 U.S.C. 3101 et
17 seq.), shall—

18 (i) develop guidelines—

19 (I) to improve monitoring of vehi-
20 cles and materials entering or leaving
21 farm or ranch operations; and

22 (II) to control human traffic en-
23 tering or leaving farm or ranch oper-
24 ations; and

1 (ii) distribute the guidelines developed
 2 under clause (i) to agricultural producers
 3 through agricultural informational semi-
 4 nars and biosecurity training sessions.

5 (B) AUTHORIZATION OF APPROPRIA-
 6 TIONS.—

7 (i) IN GENERAL.—There are author-
 8 ized to be appropriated to carry out this
 9 paragraph—

10 (I) \$5,000,000 for fiscal year
 11 2006; and

12 (II) such sums as are necessary
 13 for each subsequent fiscal year.

14 (ii) INFORMATION PROGRAM.—Of the
 15 amounts made available under clause (i),
 16 the Secretary may use such sums as are
 17 necessary to establish in each State an in-
 18 formation program to distribute the bio-
 19 security guidelines developed under sub-
 20 paragraph (A)(i).

21 (3) BIOSECURITY GRANT PILOT PROGRAM.—

22 (A) INCENTIVES.—

23 (i) IN GENERAL.—Not later than 240
 24 days after the date of enactment of this
 25 Act, the Secretary shall develop a pilot

1 program to provide incentives, in the form
2 of grants or low-interest loans, to agricul-
3 tural producers to restructure farm and
4 ranch operations (based on the biosecurity
5 guidelines developed under paragraph
6 (2)(A)(i)) to achieve the goals described in
7 clause (ii).

8 (ii) GOALS.—The goals referred to in
9 clause (i) are—

10 (I) to control access to farms and
11 ranches by persons intending to com-
12 mit agroterrorist acts;

13 (II) to prevent the introduction
14 and spread of agricultural diseases;
15 and

16 (III) to take other measures to
17 ensure biosecurity.

18 (iii) LIMITATION.—The amount of a
19 grant or low-interest loan provided under
20 this paragraph shall not exceed \$10,000.

21 (B) REPORT.—Not later than 3 years after
22 the date of enactment of this Act, the Secretary
23 shall submit to Congress a report that—

24 (i) describes the implementation of
25 the pilot program; and

1 (ii) makes recommendations for ex-
2 panding the pilot program.

3 (C) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There are authorized to be appro-
5 priated to carry out this paragraph—

6 (i) \$5,000,000 for fiscal year 2006;
7 and

8 (ii) such sums as are necessary for
9 each of fiscal years 2007 through 2009.

10 **SEC. 4. REGIONAL, STATE, AND LOCAL PREPAREDNESS.**

11 (a) ENVIRONMENTAL PROTECTION AGENCY.—The
12 Administrator of the Environmental Protection Agency, in
13 consultation with the Secretary, shall cooperate with re-
14 gional, State, and local disaster preparedness officials to
15 include consideration of the potential environmental ef-
16 fects of a response activity in planning a response to an
17 agricultural disease.

18 (b) DEPARTMENT OF AGRICULTURE.—The Sec-
19 retary, in consultation with the Secretary of Homeland Se-
20 curity, shall—

21 (1) develop and implement procedures to pro-
22 vide information to, and share information among,
23 Federal, regional, State, tribal, and local officials re-
24 garding agricultural threats, risks, and
25 vulnerabilities; and

1 (2) cooperate with State agricultural officials,
 2 State and local emergency managers, representatives
 3 from State land grant colleges and research univer-
 4 sities, agricultural producers, and agricultural trade
 5 associations to establish local response plans for ag-
 6 ricultural diseases.

7 **SEC. 5. INTERAGENCY COORDINATION.**

8 (a) AGRICULTURAL DISEASE LIAISONS.—

9 (1) AGRICULTURAL DISEASE MANAGEMENT LI-
 10 AISON.—The Secretary of Homeland Security shall
 11 establish a senior level position within the Federal
 12 Emergency Management Agency the primary re-
 13 sponsibility of which is to serve as a liaison for agri-
 14 cultural disease management between—

15 (A) the Department of Homeland Security;

16 and

17 (B)(i) the Federal Emergency Manage-
 18 ment Agency;

19 (ii) the Department of Agriculture;

20 (iii) other Federal agencies responsible for
 21 a response to an emergency relating to an agri-
 22 culture disease;

23 (iv) the emergency management commu-
 24 nity;

1 (v) State emergency and agricultural offi-
 2 cials;

3 (vi) tribal governments; and

4 (vii) industries affected by agricultural dis-
 5 ease.

6 (2) ANIMAL HEALTH CARE LIAISON.—The Sec-
 7 retary of Health and Human Services shall establish
 8 within the Department of Health and Human Serv-
 9 ices a senior level position the primary responsibility
 10 of which is to serve as a liaison between—

11 (A) the Department of Health and Human
 12 Services; and

13 (B)(i) the Department of Agriculture;

14 (ii) the animal health community;

15 (iii) the emergency management commu-
 16 nity;

17 (iv) tribal governments; and

18 (v) industries affected by agricultural dis-
 19 ease.

20 (b) TRANSPORTATION.—

21 (1) IN GENERAL.—The Secretary of Transpor-
 22 tation, in consultation with the Secretary and the
 23 Secretary of Homeland Security, shall—

24 (A) publish in the Federal Register pro-
 25 posed guidelines for restrictions on interstate

1 transportation of an agricultural commodity or
2 product in response to an agricultural disease;

3 (B) provide for a comment period of not
4 less than 90 days for the proposed guidelines;
5 and

6 (C) establish final guidelines, taking into
7 consideration any comment received under sub-
8 paragraph (B); and

9 (2) provide the guidelines described in para-
10 graph (1) to officers and employees of—

11 (A) the Department of Agriculture;

12 (B) the Department of Transportation;

13 and

14 (C) the Department of Homeland Security.

15 **SEC. 6. INTERNATIONAL ACTIVITIES.**

16 (a) INTERNATIONAL AGRICULTURAL DISEASE SUR-
17 VEILLANCE.—Not later than 1 year after the date of en-
18 actment of this Act, the Secretary, in consultation with
19 the Secretary of State and the Administrator of the Agen-
20 cy for International Development, shall submit to Con-
21 gress a report that describes measures taken by the Sec-
22 retary to—

23 (1) streamline the process of notification by the
24 Secretary to Federal agencies in the event of an ag-
25 ricultural disease in a foreign country; and

1 (2) cooperate with representatives of foreign
2 countries, international organizations, and industry
3 to develop and implement methods of sharing infor-
4 mation relating to international agricultural diseases
5 and unusual agricultural activities.

6 (b) BILATERAL MUTUAL ASSISTANCE AGREE-
7 MENTS.—The Secretary of State, in coordination with the
8 Secretary and the Secretary of Homeland Security,
9 shall—

10 (1) enter into mutual assistance agreements
11 with other countries to provide and receive assist-
12 ance in the event of an agricultural disease, includ-
13 ing—

14 (A) training for veterinarians and agri-
15 culture specialists of the United States in the
16 identification, diagnosis, and control of foreign
17 agricultural diseases;

18 (B) providing resources and personnel to a
19 foreign government with limited resources to re-
20 spond to an agricultural disease; and

21 (C) bilateral training programs and exer-
22 cises relating to assistance provided under this
23 paragraph; and

24 (2) provide funding for a program or exercise
25 described in paragraph (1)(C).

1 **SEC. 7. ADDITIONAL STUDIES AND REPORTS.**

2 (a) VACCINES.—Not later than 180 days after the
3 date of enactment of this Act, the Secretary shall conduct
4 a study of, and submit to Congress a report that describes,
5 the projected costs and benefits of developing ready-to-use
6 vaccines against foreign animal diseases.

7 (b) PLANT DISEASE LABORATORY.—Not later than
8 270 days after the date of enactment of this Act, the Sec-
9 retary shall conduct a study of, and submit to Congress
10 a report that describes, the feasibility of establishing a na-
11 tional plant disease laboratory based on the model of the
12 Centers for Disease Control and Prevention, the primary
13 task of which is to—

14 (1) integrate and coordinate a nationwide sys-
15 tem of independent plant disease diagnostic labora-
16 tories, including plant clinics maintained by land
17 grant colleges and universities; and

18 (2) increase the capacity, technical infrastruc-
19 ture, and information-sharing capabilities of labora-
20 tories described in paragraph (1).

21 **SEC. 8. VETERINARIAN ACCREDITATION.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Secretary shall promulgate regulations re-
24 quiring that any veterinarian accredited by the Depart-
25 ment of Agriculture shall be trained to recognize foreign
26 animal diseases.

1 **SEC. 9. REVIEW OF LEGAL AUTHORITY.**

2 (a) IN GENERAL.—The Attorney General, in con-
 3 sultation with the Secretary, shall conduct a review of
 4 State and local laws relating to agroterrorism and biosecu-
 5 rity to determine—

6 (1) the extent to which the laws facilitate or im-
 7 pede the implementation of a current or proposed re-
 8 sponse plan relating to an agricultural disease;

9 (2) whether an injunction issued by a State
 10 court could—

11 (A) delay the implementation of a Federal
 12 response plan described in paragraph (1); or

13 (B) affect the extent to which an agricul-
 14 tural disease spreads; and

15 (3) the types and extent of legal evidence that
 16 may be required by a State court before a response
 17 plan described in paragraph (1) may be imple-
 18 mented.

19 (b) REPORT.—Not later than 1 year after the date
 20 of enactment of this Act, the Attorney General shall sub-
 21 mit to Congress a report that describes the results of the
 22 review under subsection (a) (including any recommenda-
 23 tions of the Attorney General).

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